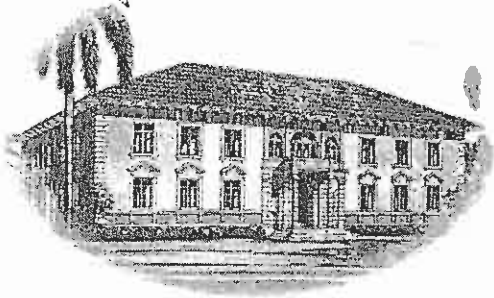


Welcome to Historic Lake Park



**MINUTES  
PLANNING & ZONING BOARD  
MONDAY, FEBRUARY 4, 2008  
TOWN OF LAKE PARK  
535 PARK AVENUE  
LAKE PARK, FLORIDA**

**Call to Order: 8:03 p.m.**

**ROLL CALL:**

Chairman Jeff Blakely	Present
Vice Chairman James Dubois	Present
Jeanine Longtin	Present
Todd Dry	Present
Tim Stevens, 1 <sup>st</sup> Alt.	Present

**Approval of Agenda**

Vice Chairman Dubois made a motion to approve the agenda. Seconded by Mr. Dry.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Todd Dry	X	

**Motion carried 4-0**

**Approval of Minutes**

Vice Chairman Dubois made a motion to approve the minutes from the Planning & Zoning Board Meeting of December 3, 2007. Seconded by Mr. Dry.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	

Jeanine Longtin	X	
Todd Dry	X	

**Motion carried 4-0**

## **ELECTION OF CHAIRMAN**

Vice Chairman Dubois made a motion to open the floor for nominations. Seconded by Mr. Dry. Vice Chairman Dubois nominated Mr. Jeff Blakely as Chairman. Ms. Longtin seconded the motion.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Todd Dry	X	
Tim Stevens	X	

**Motion carried 4-0**

Discussion was held about the election of a Vice Chairman. The Recording Secretary stated that our code did not require the election of a Vice Chair. The board unanimously voted to elect James Dubois as Vice Chairman.

## **New Business**

A. A request by Henry Stark, 701 Park Avenue, Lake Park, Florida, for a Sign Waiver for 701 Park Avenue, in the Park Avenue Downtown District.

Ms. Nadia Di Tommaso, planner for the Town of Lake Park, identified herself for the record and stated that there was a Sign Waiver request for 701 Park Avenue, and this was in response to the Town's ongoing attempt to bring all the non-complainant signs in the PADD into compliance. Ms. Di Tommaso stated that the applicant was requesting a waiver from Section 78-70 (p)(1)(k) which prohibits free standing signs. Ms. Di Tommaso stated that there were 8 criteria that had to be met, and that Staff felt that only criteria A & J had been met; Criteria A is that the application is consistent with the Comprehensive Plan; Criteria J had been met as the applicant's application was not based solely upon economic reasons. The staff report, which is marked Exhibit "A" is made a part of these minutes. Ms. Di Tommaso stated that staff recommended **Denial** of the waiver as staff feels granting the waiver will not be in harmony with the general intent and purpose of the PADD and that the public health, safety, and welfare is not a factor since alternative, permitted signage can be installed in place of the prohibited monument sign.

Chairman Blakely stated that a Park Avenue Design District had been created so that it would be pedestrian friendly and that medians had been created to calm traffic. Chairman Blakely further stated that 701 Park Avenue is the beginning of the Park Avenue Design District.

Dr. Henry Stark, applicant, identified himself for the record and stated that if you were coming from the west to the east, signage would not be able to be seen if placed on the east side of the building. Dr. Stark stated that the laws of the State of Florida were to serve and protect the public, and felt that this code did not serve that purpose. Dr. Stark asked that the board consider the intent of the law which provides for the safety of the public and allow the waiver.

Mr. Tim Stevens asked if the sign could be put on both the south and east wall, and staff stated that both were allowed. Mr. Dry wanted to clarify the signage for the record, and Ms. Di Tommaso stated that letters could be mounted on a board, or just letters that project off the wall. Vice Chairman Dubois stated that he did not have a problem with the present monument sign. Ms. Longtin stated that she had reviewed all the documents and felt Dr. Stark's application was very good; however, she stated that she felt the clocktower was one of the best landmarks in town.

Dr. Stark stated that he had an issue with the State Board of Podiatry that he had to be in compliance with them, and he was not sure if the town's requirements may come into conflict if he had to change the sign. Chairman Blakely stated that he had read Dr. Stark's letter, but felt improvements would never come on Park Avenue if compromises were made.

Vice Chairman Dubois made a motion to accept the waiver. Motion died for lack of a second. Ms. Longtin made a motion to deny the waiver. Seconded by Vice Chairman Dubois for debate. Vice Chairman Dubois asked for an extension of time. Mr. Sullivan stated that it had been over a year since two letters were mailed to all business owners, and that the PADD had been created in 1999. Ms. Longtin amended the motion to deny the sign waiver giving Dr. Stark 4 months from the final recommendation of denial from the Town Commission. Seconded by Vice Chairman Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Todd Dry	X	
Tim Stevens	X	

**Motion carried 5-0**

B. A Site Plan filed by William Upthegrove, Architect and agent for Twiggs Learning Tree Child Care, Inc., to convert the existing four-plex residential structure to a 3,168 square foot day care facility, located at 829 Silver Beach Road, Lake Park, Florida.

Ms. Di Tommaso, planner, identified herself for the record and stated that this was a request for a child day care center located on the northeast corner of Silver Beach and 10<sup>th</sup> Street in the R-2 zoning district, with an underlying Commercial land use designation. Ms. Di Tommaso stated that the plans do show the site for the conversion of an existing four-plex, one story building, and that the applicant is proposing to convert it into a commercial day care. Ms. Di Tommaso stated that the main access will be off of Silver Beach Road, and the project did submit for concurrency back in February 2006 when it was first submitted; and has a build out date until the end of 2008. Ms. Di Tommaso further stated that the landscaping did meet all the

110 minimum landscape requirements as per the code, and the drainage was reviewed by CG&A  
111 and received approval from the engineer. The staff report is marked Exhibit "B" and is made a  
112 part of these minutes. Ms. Di Tommaso also stated that the applicant met all parking  
113 requirements, directional signage has also been satisfied, water and sewer has been reviewed by  
114 the town's engineer and has been satisfied. Although this project was submitted prior to the  
115 design guidelines, staff does feel that it does meet the design elements in that this is not a new  
116 development, but rather the elevations shown match the existing buildings that are on the  
117 overall site.

118  
119 Ms. Di Tommaso stated that staff does recommend **APPROVAL** for this project with all the  
120 standard conditions 1 through 16 with two modifications that staff is proposing which is  
121 condition number 11 and condition number 16.

122  
123 Ms. Longtin inquired whether the current structure has a current fire sprinkler system.  
124 Inspector Weibert, Palm Beach Fire Rescue, identified herself for the record, and stated that the  
125 building does not have a fire sprinkler system in it. Ms. Weibert stated that she could not state  
126 whether the day care will be required to have one because the plans that fire has shows 3,000  
127 square feet plus another 1,200 square feet, which takes it to 4,300 square feet, and that at some  
128 point on the plans it says 5,000 square feet, so until they have answers as to the exact square  
129 footage under cover because part of it is play yards; but if it is all under the cover of the roof,  
130 then it may have to have a sprinkler system. Ms. Weibert stated that the facility has to comply  
131 with all fire codes because it is a change of occupancy from residential to a new day care. Ms.  
132 Weibert stated that there is an exception if the facility is under 5,000 square feet, depending on  
133 the type of construction, and it has a monitored fire alarm system, then you do not have to put  
134 in a sprinkler system.

135  
136 Vice Chairman Dubois questioned the wording on condition number 11 that it should read  
137 build out by 2008, and if this is not possible, a new TPS letter with a build out of 2009 would  
138 be required.

139  
140 Mr. Todd Dry asked for clarification on location. Mr. Stevens asked for clarification on square  
141 footage and Ms. Di Tommaso stated that the facility is 3,168 square foot. Town Attorney,  
142 Karen Roselli, stated that at permitting time, fire will determine whether the building has to be  
143 sprinkled. Ms. Weibert stated that we can be more stringent than the code, but that it was up to  
144 the town attorney whether we could make it a condition. Mr. Sullivan stated that we needed to  
145 maintain consistency, and Chairman Blakely stated that he felt it was a matter of health and  
146 safety. Ms. Weibert stated that the code calls for all buildings to be sprinkled unless they meet  
147 the exception.

148  
149 Chairman Blakely asked the architect, Mr. Upthegrove, to divide the zones into turf and non-  
150 turf so the amount of water is controlled and dedicated to lawn areas. Also, Chairman Blakely  
151 asked that a little color be added under the Sabals, such as Hibiscus. Mr. Upthegrove stated  
152 that each classroom has a means of egress, and one of the means of egress is directly outside,  
153 and the additional 1,200 square foot is an open shade play area, and putting in a fire alarm  
154 system is not a problem. Mr. Upthegrove stated that putting in a fire sprinkler system was a  
155 little overboard.

Mr. Tim Stevens made a motion to approve with staff recommendations. Seconded by Mr. Dry.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin		X
Todd Dry	X	
Tim Stevens	X	

**Motion carried 4-1**

C. A Site Plan Application filed by McCraney Property Company, agent for Congress Industrial, LLC, to construct 204,494 square foot office/warehouse facility at the southern corner of Congress Avenue and Silver Beach Road on 22.61 acres in the C-4 Business District.

Ms. Nadia Di Tommaso, planner, identified herself for the record and stated that this was a request for an office/warehouse facility at the northeast corner of Silver Beach and Congress Avenue and is projected to be 204,494 square feet in the C-4 Business District with a commercial land use, and is consistent with the Comprehensive Plan. Ms. Di Tommaso further stated that site access will be off of both Congress Avenue and the Park Avenue extension which runs on the north side of the project. Ms. Di Tommaso also stated that the town engineer did approve the engineering plans, and once again, as a standard prior to the issuance of the building permit all agency permits must be submitted to our office. Ms Di Tommaso stated that traffic, landscaping, drainage, parking, signage, zoning, water/sewer, have all met the minimum code requirements. However, the applicant must revise to meet the current architectural guidelines which require additional architectural variations and a varied roofline, and prohibit blank walls on non-residential buildings. The staff report is marked Exhibit "C" and has been made a part of these minutes.

Ms. Di Tommaso stated that this project was first submitted to the county back in 2002/2003, and the county did review it, and issued a traffic concurrency letter with a build out of 2008. Ms. Di Tommaso further stated that after some discussions with the county, we were told that they would not change the build out date, but whatever is not completed by the end of 2008, would have to come back for concurrency; and, it is important to know that this project is not phased. However, in light of this, it could very well be if the project is not completed by the end of this year, given the fact there are four buildings, we have added condition number 22 "although TPS standards have been met, this project has a 2008 build out which may or may not be achieved, and staff feels that is may be beneficial to set up a phasing schedule to make sure that the project is not brought to a halt on December 31 of this year in order to apply for additional concurrency." Ms. Di Tommaso explained this condition will be reworded, and this is a safe guard that building does not come to a halt as we do not have a set schedule for the concurrency, and whatever is not build by the end of this year, will need to be reapplied for concurrency.

Ms. Di Tommaso stated that condition number 5 asks that the board recommend a condition height for the landscaping, and as well, condition number 18 asks for landscaping buffer along

the northern edge abutting the Park Avenue extension, must be improved by the applicant to include landscaping around the detention area with extended landscaping along the entire northern edge.

Ms. Di Tommaso stated that building 4 does have a blank wall, which does not meet our design guidelines. The design guidelines include architectural variations and a varied roofline, which is condition number 19.

Ms. Di Tommaso stated that staff does recommend **APPROVAL** subject to the conditions as stated and any additional conditions of approval which may be added through the planning and zoning review process.

Mr. Andy Jacobson for McCraney Properties, identified himself for the record, and stated that Mark Smiley, engineer was present along with the Director of Development as well, to answer any questions. Mr. Jacobson stated that they had contact with Masoud at the county, and he indicated that he could give them a build out until 2009 so that we do not run into the issue that was previously mentioned. Mr. Jacobson stressed that the blank wall was a back wall. Chairman Blakely stated that sheets L4-L9 were missing and he could not do a full review. Ms. Edna Trimble with McCraney Property, identified herself for the record, and stated that the county wanted to see both sides of the road so they designed both sides of the road without any intent to build the north end, which is a future project down the road; and these sheets were pulled out of the submittal as this was a speculation showing the road going through.

Chairman Blakely stated that our code requires relocation of the large oaks; Ms. Trimble stated that the oaks will be relocated to the north end of the property. Chairman Blakely explained that if a 20 inch caliper tree died, you would have to replace it with a 60 inch caliper. Chairman Blakely stated that an irrigation plan was not included, and that is something they like to review, especially with a property with this much importance including the landscaping. Chairman Blakely stated that he would like to see the height of the berm raised a foot or 18 inches, and it would help some of the privacy issues on Silver Beach Road as well as addressing Silver Beach Road access view into the rear that was just discussed as it needs to be more dense with landscaping. Ms. Trimble stated that the town had changed the code on design after they had done their drawings, but that they would buffer accordingly. Mr. Mark Smiley, engineer for the project, identified himself for the record, and asked if Jeff Blakely was talking about adding 18 inches to an existing berm that is already designed. Chairman Blakely stated that he was talking about the landscaping plan that shows an existing landscape change which is along Silver Beach Road with a 3 feet berm, and he is suggesting that they go to 4, or 4 ½ to 5 feet. Mr. Smiley stated that he could not commit to that suggestion without knowing if they had the room. Mr. Smiley suggested another spot that would act as a double landscape in case they were not able to do what was suggested by Chairman Blakely. Chairman Blakely asked that Mr. Smiley and the landscape architect take a look at what he was suggesting.

Chairman Blakely stated that the project was very intense, and suggested a second story. Chairman Blakely stated that with something this large, that the applicant could provide more architectural diversity as when the code was written no one considered that we would do straight zoning on 22 acres; generally with something this intense we have more open green space.

Mr. Todd Dry stated the there were two 16 foot gates and wondered if that area was going to be used for semi trucks; the applicant responded it would be a small box trucks. Ms. Trimble stated that the tenants would be small mom and pop user, typically a construction trade. The applicant stated that there would be awnings also on front of the buildings.

Ms. Longtin stated that she found the buildings very ugly and plain and would like to see more dimension and a variation of height. Chairman Blakely asked the applicant to ad some fenestration and create a little more interest and variety. Ms. Longtin also asked that something be done with the back of the building, and also some open spaces in between the buildings and some walkways. Chairman Blakely stated that they have not even talked about pedestrian connectivity; how this links to other projects in the area such as Walmart or Target down the street, interior circulation needs to be addressed. Mr. Smiley stated that there is a sidewalk which surrounds each of the building and there is a cross sidewalk which leads to the main sidewalk to Congress. Chairman Blakely stated that it should be shown on the landscape plan. Chairman Blakely asked if this sidewalk was pavers, asphalt, or stamped concrete, and Mr. Smiley responded that at this point, it was just asphalt except for the loading dock area being concrete.

Vice Chairman Dubois stated that he did not feel that the project met the architectural design standards, and that the applicant was a long way away from an acceptable design. Chairman Blakely explained to the applicant that members of the board worked approximately 10 months on improving the Target with a team of architects along with the Kohl's Department Store, which will be providing some interesting architecture, and also the Walmart, which was a prototype; therefore, the board is looking for some type of architecture distinction within this coordinator; something that isn't just the same old warehouse expression. Chairman Blakely stated that they need an irrigation plan that addresses the issues of lack of water so you can develop a plan that is divided into zones between turf and landscape. Chairman Blakely told the applicants that the board can vote tonight, which would be a denial or decide to come back with the changes that they have asked for.

Mr. Andy Jacobson stated that they would like to come back. Mr. Tim Stevens made a motion to defer the Site Plan to the next regular scheduled meeting. Seconded by Mr. Todd Dry.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Todd Dry	X	
Tim Stevens	X	

**Motion carried 5-0**

#### **COMMENTS FROM PATRICK SULLIVAN, COMMUNITY DEVELOPMENT DIRECTOR.**

Vice Chairman Dubois asked about the abandonment of Jasmine Drive regarding Earl Stewart, and Mr. Sullivan stated that the Town Commission extended their intent to abandon along as he

received his permit, and the extension expires February 4, 2008 at midnight. Vice Chairman Dubois wondered if he was coming back, and Mr. Sullivan stated that he would probably come back with everything at once. Ms. Longtin asked for an up-date on Julius Automotive, and Mr. Sullivan said that apparently they choose not to go ahead with the Special Exception and they have 18 months to decide to go ahead. Mr. Sullivan stated that it looked like Sonic was going to go ahead after all, and that the problem had been a traffic issue with making a left hand turn.

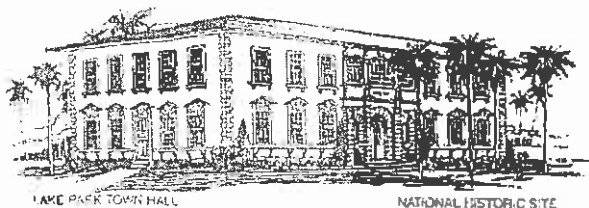
Vice Chairman Dubois made a motion to adjourn. Seconded by Mr. Dry. The meeting was adjourned at 9:35 p.m.

Approved: 4/14/08

  
Jeff Blakely, Chairman

Attest: June Otto





"Jewel" of the Palm Beaches

## TOWN LAKE OF PARK PLANNING AND ZONING BOARD

Meeting Date: February 4, 2008

Date Prepared: January 24, 2008

### APPLICATION FOR A WAIVER FROM THE SIGN REQUIREMENTS OF TOWN CODE SECTION 78-70(p)(1)(k) BY APPLICANT, PALM BEACH FOOT & ANKLE, INC.

**APPLICANT'S REQUEST:** Dr. Henry K. Stark, as the owner of, and agent for, Palm Beach Foot & Ankle, Inc., ("Applicant") located at 701 Park Avenue (corner of 7<sup>th</sup> Street) ("Property") in the Town of Lake Park, has requested a waiver from the sign requirements of Town Code Section 78-70 (p)(1)(k) which prohibits "*Freestanding signs, including monument signs, pole signs, and pylon signs,*" pursuant to the waiver provisions of Town Code Section 78-70 (l). The Applicant has requested a waiver to allow the existing monument sign to remain on the Property. The subject sign has been on the property since the opening of the Applicant's business on the Property approximately twenty (20) years ago (see image on next page).

#### **BACKGROUND:**

<b>Applicant(s):</b>	Palm Beach Foot & Ankle, Inc., by Dr. Henry Stark, owner
<b>Owner(s):</b>	Dr. Henry K. Stark
<b>Address/Location:</b>	701 Park Avenue, Lake Park, FL 33403 (Corner of 7 <sup>th</sup> Street)
<b>Net Acreage:</b>	0.2870 acres
<b>Legal Description:</b>	See Application
<b>Existing Zoning:</b>	Park Avenue Downtown District ("PADD")
<b>Future Land Use:</b>	Mixed Residential / Professional

#### **Adjacent Zoning**

<b>North:</b>	R1A
<b>South:</b>	PADD
<b>East:</b>	R1A
<b>West:</b>	PADD

#### **Adjacent Existing Land Use**

<b>North:</b>	Residential Low Density
<b>South:</b>	Commercial
<b>East:</b>	Residential Low Density
<b>West:</b>	Mixed Residential / Professional

### **I. SUMMARY OF APPLICANT'S WAIVER REQUEST**

Pursuant to the general waiver provisions of Town Code Section 78-70 (l), the Applicant, Palm Beach Foot & Ankle, Inc., has requested a sign waiver from Section 78-70 (p)(1)(k) of the Town Code which prohibits "*Freestanding signs, including monument signs, pole signs,*

and pylon signs" in order to keep the existing monument sign which has been located on the Property since approximately 1987. (see image of subject monument sign on next page).

## **II. Analysis of Criteria and Findings for a Waiver**

Town Code Section 78-70 (I) contains specific review criteria, which must be used in evaluating an application for a waiver of PADD requirements. An application for a waiver pursuant to Section 78-70(I), must comply with a preponderance of the criteria listed below. The Applicant did not address each of the individual criteria, but instead justified the request in a three-page statement. Some of the Applicant's justifications for the various criteria are summarized below in the following Staff commentary:

**Criteria (a)** Is the application consistent with the Comprehensive Plan? The Applicant failed to address this criteria. Staff states that the Application is consistent with the Town's Comprehensive Plan because the Comprehensive Plan does not address signage. Staff finds that this Criteria has been met.

**Criteria (b)** Is the application consistent with the intent of Section 78-70? The Applicant states that the location of the subject monument sign is a community-serving tool, enabling the elderly to safely locate the office. Staff states that the Applicant's response has failed to demonstrate that Application is consistent with any of the intents and purposes of the PADD regulations contained in Section 78-70. Staff finds that this Criteria has NOT been met.

**Criteria (c)** Does the application further the Town's goal to establish a neighboring and community-serving urban center? The Applicant states the monument sign serves a very important function and use, and was designed and located to enable people to locate the Applicant's office. Staff does not believe that the Applicant's explanation satisfies the intent of this Criteria. There are other reasonable alternatives to the prohibited monument sign, such as a wall-mounted sign, which can serve the stated purpose of the Applicant. Town staff finds that this Criteria has NOT been met.

**Criteria (d)** Does the application further the Town's goal to create a pedestrian-friendly environment? The Applicant failed to address this criteria. Staff recommends a wall-mounted sign in place of the monument sign. A wall mounted sign is a permitted type of sign, which would further a pedestrian-friendly environment. Large monument signs such as the sign on the Applicant's property, are not appropriate in the PADD, and are better suited more intense commercial zoning districts with heavy vehicular traffic. Town staff finds that this Criteria has NOT been met.

**Criteria (e)** Does the application further the architectural and site design elements of this section? The Applicant failed to address this criteria. Staff reiterates that a "prohibited" monument sign does not further the architectural or site design elements of the PADD Code requirements, but instead is in conflict with the regulatory intent of these requirements. Town staff finds that this Criteria has NOT been met.

**Criteria (f)** Does the application demonstrate that special conditions and circumstances exist which are peculiar to the land, structure of building involved or proposed, and which are not applicable to other lands, structures, or building in the Park Avenue Downtown District? The Applicant states that the majority of his clients are elderly, and would not be able to locate the Applicant's office without the large monument sign. Staff has determined that there are other forms of permitted signage that can be installed on the Property, such as a wall sign, which will adequately allow the Applicant's clients to locate his office. Moreover, the Applicant's response fails to demonstrate that there is any special condition or circumstance that is peculiar to the Applicant's land, structure, or building which would warrant a waiver to allow the monument sign. Staff finds that this Criteria has NOT been met.

**Criteria (g)** Does the application demonstrate that the special conditions and circumstances do not result from the actions of the applicant? As stated in response to Criteria (f) above, there are no special conditions or circumstances that is peculiar to the Applicant's land, structure, or building. Staff finds that this Criteria has been NOT been met.

**Criteria (h)** Does the application demonstrate that granting the waiver requested will not confer upon the applicant any special privilege that is denied by this section to other lands, buildings, or structures in the Park Avenue Downtown District? The Applicant failed to address this criteria. Staff has concluded that granting this waiver request will confer a special privilege upon the Applicant. All other businesses in the PADD are required to comply with the PADD sign code requirements. Staff finds that this Criteria has NOT been met.

**Criteria (i)** Does the application demonstrate that literal application of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties within the Park Avenue Downtown District? The Applicant has failed to submit sufficient evidence with respect to this criteria. The Applicant states that the monument sign is required for the elderly to locate the office. Staff states that given the street corner location and the location right beside the clock tower, replacing the prohibited sign with a permitted sign would not impair or negatively affect the ability of persons to locate the Applicant's office. Staff finds that this Criteria has NOT been met.

**Criteria (j)** Does the application demonstrate that the waiver is not based solely upon economic reasons? The Applicant does not rely upon economic reasons as a basis for the waiver request according to the statements contained in the Application. Therefore, Staff has assumed that this waiver request is not based solely upon economic reasons. Staff finds that this Criteria has been met.

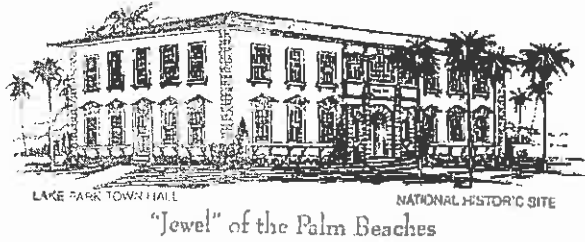
**Criteria (k)** Does the application demonstrate the request for waiver will be in harmony with the general intent and purposes of Section 78-70 (PADD regulations), and that the waiver will not be injurious to the area involved, or otherwise detrimental to the public health, safety, and welfare? Staff contends that granting the waiver will

NOT be in harmony with the general intent and purposes of the PADD, and that the public health, safety, and welfare is not a factor since alternative, permitted signage which can be installed in place of the prohibited monument sign. Furthermore, given the street corner location and the clock tower, there are additional landmarks, which can be utilized to locate the Applicant's office. Staff finds that this Criteria has NOT been met.

### III. STAFF RECOMMENDATION

Town staff recommends that the Planning & Zoning Board recommend **DENIAL** for the Applicant's sign waiver request. Town Code Section 78-70(l) requires the Applicant to demonstrate, through the submission of competent, substantial evidence that the waiver request complies with a preponderance of the above-stated waiver criteria. Town Staff has applied the afore-stated criteria in evaluating the Application and the record evidence, and has concluded that the Applicant has failed to meet his burden of proof, in that the Applicant has not demonstrated by a preponderance of the competent substantial evidence, that the requested sign waiver should be granted. There are other suitable, affordable forms of signage that are permitted in the PADD, that can be effectively utilized on the Property, and which do not require a waiver of the PADD signage regulations.

Exhibit "B"



**TOWN LAKE OF PARK  
PLANNING & ZONING BOARD**

**Meeting Date: February 4, 2008**

**Date Prepared: January 17, 2008**

**PLAN DESCRIPTION:** Approval of a proposed Site Plan for a 3,168 sf day/child care facility.

**APPLICANT'S REQUEST:** A request by William R. Uptegrove ("Applicant"), agent for Twiggs Learning Tree Child Care, Inc., ("Owner") for approval of a Site Plan for a new 3,168 sf day/child care facility ("Project") to be located on a 0.601 acre parcel on the northeast corner of Silver Beach Road and 10<sup>th</sup> Street ("Site" or "Property"), in the R-2 zoning district, with an underlying Commercial land use designation.

**STAFF RECOMMENDATION: APPROVAL** subject to the conditions of approval as stated herein, and any additional conditions of approval which may be added through the Planning & Zoning review process.

**BACKGROUND INFORMATION:**

Applicant(s): William R. Uptegrove  
Owner: Twiggs Learning Tree Child Care, Inc.  
Address of Location: NE Corner of Silver Beach Road and 10<sup>th</sup> Street, within the R-2 zoning district  
Lot Size: 0.601 acre  
Zoning and Land Use: R-2 / Commercial

**Adjacent Zoning**

North: R-2  
South: City of Riviera Beach  
East: R-2  
West: C-2

**Adjacent Land Uses**

North: Residential Medium Density  
South: City of Riviera Beach  
East: Residential Medium Density  
West: Commercial

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The proposed Site Plan is consistent with the overall intent of the goals, objectives and policies of the Town's Comprehensive Plan. The following policies indicate the consistency between the Comprehensive Plan and the proposed Project:

### **Future Land Use Element**

**Objective 1:** Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Site Plan is for 3,168 sf to be used for a day/child care facility, located on a 0.601 acre parcel on the northeast corner of Silver Beach Road and 10<sup>th</sup> Street, within the R-2 zoning district.

**Policy 1.4:** Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

*The Property has a Commercial land use designation. The proposed day/child care use for is therefore consistent with the policy. The Site Plan also provides for more parking than is required by Code, and satisfies the minimum parking requirements.*

**Objective 2 Policy 2.1:** The owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District.

*The Application is consistent with the Policy. The Application has been reviewed by the Town Engineer, and is found to be in compliance with the stormwater requirements of the District.*

**Objective 3.** All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

*The Application is consistent with the Policy. The appropriate sign offs have been obtained and are included in the Application packet.*

#### **4.0 Traffic Circulation**

**Policy 2.2:** The Town shall review all the proposed development and coordinate and cooperate with the responsible agencies for these improvements to bring them into compliance with the level of service ("LOS") standards.

*The Applicant has provided the Town with documentation from Palm Beach County confirming that the proposed 3,168 square foot day/child care facility will satisfy the Traffic Performance Standards ("TPS") and meets traffic concurrency requirements. If the the project is not completed by December 31, 2007, an updated concurrency letter must be submitted by the Applicant/Owner to the Town.*

#### **6.0 Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge**

**6.62 Objective 1.** The Town shall ensure through the land development approval process that, at the time a building permit is issued adequate public facility capacity is available or will be available at the time of occupancy.

*The Town believes there will be adequate public facility capacity at the time of occupancy.*

#### **8.0 Conservation**

**Objective 1:** Protect air quality within the Town of Lake Park

**Policy 1.1:** Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activities shall be undertaken within 30 days of completion of clearing work.

*The Site Plan will be consistent with the Policy as long the building permit is conditioned on the requirement that the developer minimize airborne dust and particulate emission on the site.*

**Objective 3:** Conserve potable water supplies

*The Application is consistent with the objective. Florida Building Code specifies water conservation fixtures, which will be implemented on Site.*

#### **PROJECT DETAILS:**

**Building Site:** The Site is located in the R-2 Zoning District with a commercial land use which is suitable for a 3,168 sf day/child care use that has been proposed.

**Site Access:** The day/child care facility located on a 0.601 acre parcel on the NE corner of Silver Beach Road and 10<sup>th</sup> Street. Site access is off of Silver Beach Road.

**Traffic:** Confirmation from Palm Beach County Traffic has been received by the Town. The proposed 3,168 square foot day/child care facility has satisfied Traffic Performance Standards (TPS) and meets traffic concurrency requirements. If the Project is not completed by December 31, 2008, an updated concurrency letter must be provided by the Applicant/Owner to the Town.

**Landscaping:** The Applicant is providing appropriate landscaping for the Site, and is in compliance with the minimum landscape requirements of the Code. All perimeter buffering is provided as required by the Code.

**Drainage:** The Applicant has provided conceptual engineering to the Town, and has been notified that prior to the issuance of a building permit, the Applicant must provide copies of all required agency permits, including but not limited to, permits from the South Florida Water Management District. The Town's civil engineer for this Project has reviewed and approved all engineering plans and all Florida Building Code requirements.

**Parking:** The Applicant exceeds the Code requirements for parking spaces. The Code requires one (1) space per 250 sf, plus five (5) additional visitor parking spaces, for a total of 18 required spaces. The Applicant is providing 20 spaces (inclusive of 1 handicap space).

**Signage:** The Applicant has satisfied the necessary signage requirements for the Site.

**Zoning:** The zoning for the Site is R-2. The land use designation is Commercial.

**Water/Sewer:** The Town's civil engineer for this Project has reviewed and ascertained that there is sufficient available capacity to sustain the levels of service for potable water and for wastewater treatment set forth in the Town's Comprehensive Plan.

**Design:** Plans for this Project were initially submitted to the Town for review in February 2006, however the Project was put on hold for several years. The Applicant just recently received approval for a land use change and proceeding with the Project. The Applicant is not proposing to tear down the existing building, but rather to modify the exterior features of the four-plex, single-story structure. Staff believes that the design of the Project will remain consistent with the remainder of the property and that it is sufficient.

**STAFF COMMENTS:**

Staff recommends **APPROVAL** of the Site Plan (as revised), subject to the following conditions.

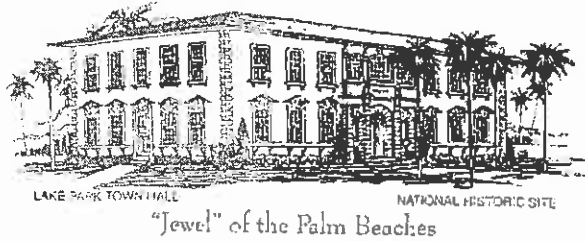
1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved by the Community Development Director.
2. Any disturbance of the public right of way along Silver Beach Road or 10<sup>th</sup> Street shall require review and written approval from the Director of the Town's Public Works Department prior to any construction.



3. Any disruption to any of the nearby entrance/exit and parking areas along Silver Beach Road shall require prior written approval by the Town's Community Development Director.
4. The contractor shall employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained. There shall be a minimum three-month replacement guarantee provided by the Owner commencing at the time of issuance of the certificate of occupancy. The Owner shall be responsible to replace any and all dead or dying landscape materials required by the approved Site Plan and/or the Town Code.
6. Safe and adequate pedestrian passage in front of the construction site along Silver Beach Road and 10<sup>th</sup> Street shall be maintained at all times.
7. The contractor shall use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
8. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
9. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the landscape architect of record that the plant installations on Site are in accordance with the Plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection will be provided to the Community Development Department.
11. The Applicant must provide documentation from Palm Beach County that the proposed 3,168 SF day/child care facility satisfied Traffic Performance Standards (TPS) and meets traffic concurrency requirements by 2009 build out.
12. The Project shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted below:
  - a. Site Plan & Architectural Elevations referenced as sheet 1, 2 and 7 respectively, dated 01-02-08 by William Rillon Upthegrove, Project architect and planner of record, received and dated by the Department of Community Development on 01-11-08.
  - b. Engineering Plans, referenced as sheets 1 and 2 dated 01-02-08 prepared by Dixon & Associates Engineers, Inc., Project engineer of record, received and dated by the Department of Community Development on 01-11-08.
  - c. Landscape plans referenced as sheets LP-1 and LP-2 dated 01-02-08 and prepared by Howard S. Ostrout Jr., and Associates, LLC, Project landscape architect of record, received and dated by the Department of Community Development on 01-11-08.

- d. Irrigation plan referenced as sheet LP-1 dated 01-02-08, prepared by Howard S. Ostrout Jr., and Associates, LLC, received and dated by the Department of Community Development on 01-11-08.
- 13. Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department, and shall be subject to its review and approval, unless the Town Code or a condition of approval requires Town Commission approval.
- 14. The Owner of record or the Owner's authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of the development approval. The development shall be completed within 18 months from the effective date of initiation of development unless an extension of time is granted and as more specifically provided for in the Town of Lake Park Code of Ordinances, Section 67-42, "*Expiration of development approvals*".
- 15. Cost Recovery. All fees and costs incurred by the Town in reviewing the Project and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of an Owner to reimburse the Town for all fees and costs invoiced within 10 days may result in the revocation of one or more development order approvals.
- 16. Additional lighting fixtures shall be added in playground and parking areas and submitted in an updated photometric plan.

Exhibit "C"



**TOWN OF LAKE PARK  
PLANNING & ZONING BOARD**

Meeting Date: February 4, 2008

Date Prepared: January 24, 2008

**PLAN DESCRIPTION:** Site Plan approval for a new office/warehouse business park.

**APPLICANTS REQUEST:** A request by McCraney Properties, Inc. ("Applicant"), agent for Congress Industrial, LLC ("Owner") for Site Plan approval of a new 204,494 sf office/warehouse business park, with mixed general office and warehouse space, ("Project"), consisting of four Buildings 1 through 4 (4 buildings total), located on a 22.61 acre parcel, on the northeast corner of Silver Beach Road and Congress Avenue, within the C-4 zoning district.

**STAFF RECOMMENDATION:** **APPROVAL** subject to the conditions of approval as stated herein, and any additional conditions of approval which may be added through the planning and zoning review process.

**BACKGROUND INFORMATION:**

Applicant(s):	McCraney Properties, Inc.
Owner:	Congress Industrial, LLC
Address of Location:	East of Congress Avenue, North of Silver Beach Road (northeast corner of Silver Beach Road and Congress Avenue)
Lot Size:	22.61 acres
Zoning and Land Use:	C-4 / Mixed Commercial and Light Industrial

**Adjacent Zoning**

North:	C-4
South:	City of Riviera Beach
East:	CLIC
West:	C-2

**Adjacent Land Uses**

North:	Vacant
South:	City of Riviera Beach
East:	Commercial Industrial
West:	Retail (Walmart)

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The proposed development is consistent with the overall intent of the goals, objectives and policies of the Town's Comprehensive Plan. The following policies indicate the consistency between the Comprehensive Plan and the proposed Project:

### **Future Land Use Element**

**Objective 1:** Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Applicant is proposing to build a new 204,494 sf office/warehouse business park, located on a 22.61 acre parcel on the northeast corner of Silver Beach Road and Congress Avenue, within the C-4 zoning district.

**Policy 1.4:** Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

*The proposed office/warehouse business park is a permitted land use in the C-4 commercial Zoning District in which this property is located. The proposed Site Plan also provides the minimum number of parking spaces required by the Code for this (business park) land use. The Project is consistent with this policy.*

**Objective 2 Policy 2.1:** The developer /owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District ("SFWMD").

*The proposed Project will be located within the SFWMD's C-17 drainage basin. The Site Plan has been reviewed by the Town Engineer, and was found to be in compliance with the stormwater requirements of the SFWMD. Therefore, the Project is consistent with this Policy.*

**Objective 3.** All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

*The required concurrency documents have been obtained from all reviewing governing bodies and agencies with jurisdiction, and are included in the Application packet. The Project is consistent with this Policy.*

#### **4.0 Traffic Circulation**

**Policy 2.2:** The Town shall review all the proposed development and coordinate and cooperate with the responsible agencies, for these improvements to bring them into compliance with the level of service (“LOS”) standards.

*The Applicant has received documentation from Palm Beach County confirming that the proposed 204,494 square foot office/warehouse business park has satisfied Traffic Performance Standards (“TPS”) and meets the traffic concurrency requirements. Construction completion date previously was listed as 2008. Palm Beach County is modifying the construction completion date, it will be determined shortly.*

#### **6.0 Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge**

**6.62 Objective 1.** The Town shall ensure through the land development approval process that, at the time a building permit is issued adequate public facility capacity is available or will be available at the time of occupancy.

*Town staff believes there will be adequate public facility capacity at the time of occupancy.*

#### **8.0 Conservation**

**Objective 1:** Protect air quality within the Town of Lake Park

**Policy 1.1:** Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activities shall be undertaken within 30 days of completion of clearing work.

*The Project will be consistent with the Policy as long the building permit is conditioned on the requirement that the developer minimize airborne dust and particulate emission on the Site.*

**Objective 3:** Conserve potable water supplies

*The Project is consistent with the objective. The Florida Building Code requires that water conservation fixtures be implemented on the Site.*

#### **PROJECT DETAILS:**

**Building Site:** The Site is located in the C-4 Zoning District with a commercial land use designation and the Town’s land development regulations permit the 204,494 sf office/warehouse business park that is proposed.

**Site Access:** The office/warehouse business park is located on a 22.61 acre parcel on the northeast corner of Congress Avenue and Silver Beach Road. Site access is off of Congress Avenue and off of the Park Avenue extension Road.

**Traffic:** Confirmation from Palm Beach County Traffic has been received confirming that the Project meets the traffic performance standards for the proposed 204,494 sf business park.

**Landscaping:** The Site Plan provides for adequate Site landscaping which complies with the minimum landscape requirements of the Town Code, including the required perimeter buffering. The minimum maintenance height of landscaping is to be as recommended by the Planning and Zoning Board.

**Drainage:** The Applicant has provided conceptual engineering to the Town, and has been advised that prior to the issuance of a building permit, the Applicant must provide the Town with copies of all required agency permits, including but not limited to, permits from the South Florida Water Management District. The Town's civil engineer for this Project has reviewed and approved all Project engineering plans for compliance with the Town Code and the Florida Building Code requirements.

**Parking:** The Site Plan meets the Code requirements for minimum parking spaces. The Code requires 450 parking spaces (inclusive of 9 handicap spaces), and the Site Plan depicts 450 parking spaces (inclusive of 10 handicap spaces).

**Signage:** The Applicant has satisfied the necessary directional signage requirements for the Site. The proposed monument sign also meets Town Code requirements.

**Zoning:** The zoning for the Site is C-4 and the proposed commercial land use is consistent with the "Commercial" land use designation for the Site under the Town's Comprehensive Plan.

**Water/Sewer:** The Town's civil engineer for this Project has reviewed the Site Plan, and has determined that there is sufficient available capacity to sustain the levels of service for potable water and for wastewater treatment set forth in the Town's Comprehensive Plan.

**Design:** The Project meets most of the minimum design standards of Ordinance No. 16-2007 (Town Code Sections 78-330 et. seq.,) for non-residential buildings in the Town, with the exception of the architecture along the eastern side of Building 4 which the Applicant must revise to meet the current architectural guidelines which require additional architectural variations and a varied roofline, and prohibit blank walls on non-residential buildings.

**STAFF COMMENTS:**

Staff recommends **APPROVAL** of the Site Plan (as revised), subject to the following conditions:

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved in writing by the Community Development Director.
2. Any disturbance of the public right of way along Congress Avenue or Park Avenue extension shall require review and written approval from the Director of the Town's Public Works Department prior to any construction.
3. Any disruption to any of the nearby entrance/exit and parking areas along Congress Avenue shall require prior written approval by the Community Development Director.
4. The Applicant shall require the Project contractor to employ commonly accepted practices to ensure the safety and well being of the general public.
5. All approved and required landscaping shall be properly maintained. Maintenance height is set at \_\_\_\_\_ (*waiting for recommendation by P&Z Board*). There shall be a minimum three-month replacement guarantee provided by the Applicant for all new landscape materials which warranty shall commence at the time of the issuance of the Certificate of Occupancy for the last of the four buildings. The Owner and the Applicant shall be jointly and severally liable and responsible for replacing any and all dead or dying landscape material on the Site, and to maintain the landscaping in accordance with the approved Site Plan and the requirements of the Town Code.
6. Safe and adequate pedestrian passage in front of the construction site along Congress Avenue shall be maintained at all times.
7. The Applicant shall require the Project contractor to use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
8. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
9. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide a written certification from the landscape architect of record, certifying that the plantings on the Site have been installed in accordance with the plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required permits issued by other agencies with jurisdiction over any portion of the Project, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division, and the State of Florida, Department of Environmental Protection must be submitted by the Applicant to the Town's Community Development Director.
11. The Applicant must provide documentation from Palm Beach County to the Town's Community Development Director that the proposed 204,494 square foot office/warehouse business park satisfied the Traffic Performance Standards and also meets traffic concurrency requirements.
12. The Project (office/warehouse business park) shall be constructed in compliance with the following plans on file with the Town's Community Development Department, or any authorized and approved revisions as required by any of the following conditions:

- a. Site Plan & Architectural Elevations referenced as sheet SP1 and A1 respectively, dated 12-20-07 and 10-26-07, respectively prepared by Smiley & Associates, Inc., Project site planner; and Tag: The Architectural Group, who is the architect of record for the Project, received and dated by the Department of Community Development on 12-21-07.
  - b. Engineering Plans, referenced as sheets C-1 through C-23 dated 10-26-07 prepared by Smiley & Associates, Inc. received and dated by the Department of Community Development on 12-21-07.
  - c. Landscape plans referenced as sheets L-1 through L-3 and L-10 through L-13 dated 12-21-07, prepared by Neal, Smith & Associates, landscape architect of record, received and dated by the Department of Community Development on 12-21-07.
  - d. Irrigation plan referenced as sheet C-18 through C-22 dated 10-26-07, prepared by Smiley & Associates, Inc, dated by the Department of Community Development on 12-21-07.
13. Any revisions to the Site Plan, landscape plan, architectural elevations, signs, statement of use, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department, and shall be subject to review and approval by the Director of Community Development, unless the Town Code or a condition of approval requires Town Commission approval.
  14. The real property owner of record or authorized agent, shall initiate the bona fide and continuous development of the property within 18 months from the effective date of this development approval. Development must be completed within 18 months from the effective date of initiation of development unless an extension of time is granted. See Town of Lake Park Code of Ordinances, Section 67-42 "*Expiration of development approvals*".
  15. Cost Recovery. All fees and costs incurred by the Town in the review and approval of the Project shall be billed to the Applicant, and must be paid in full to the Town within 10 days of receipt of an invoice from the Town. The failure of an Applicant to reimburse the Town for the full amount invoiced within 10 days of receipt of the invoice may result in the revocation of any development order approval associated with the Project.
  16. The Applicant must follow appropriate and established tree relocation practices. Trees that have been relocated shall be properly maintained. If any relocated tree dies, a replacement representing triple the amount of the caliper of the deceased tree shall be installed on the Site or as otherwise directed by the Town's Community Development Director as a replacement tree.
  17. The Applicant must assure that the Palm Beach County standards are met for the Park Avenue road extension. The Applicant shall coordinate with Palm Beach County Traffic to achieve proper alignment of the Park Avenue and Congress Avenue intersection is required.
  18. The landscaping buffer along the northern edge of the Site abutting the Park Avenue extension road, must be improved by the Applicant to include



landscaping around the detention area with extended landscaping along the entire northern edge.

19. The Applicant shall revise the architectural elevations and renderings for the eastern side of Building 4 to eliminate the blank wall and so that the Plans meet the Town's architectural guidelines which require additional architectural variations and a varied roofline.
20. Within ninety (90) days of the effective date of the Resolution approving the Site Plan, the Applicant shall submit a revised Site Plan. The revised Site Plan may be approved administratively by the Town's Community Development Director provided that: (1) all conditions of approval are included on the revised Site Plan to the satisfaction of the Community Development Director; and (2) the required modifications to the exterior of Building 4 and any other building modification(s) are architecturally consistent with the other approved buildings. If either one or both of these 2 conditions stated in this paragraph are not be adequately satisfied, the revised Site Plan and other development plans, must be reviewed, and if acceptable, be approved by the Town Commission as a Site Plan amendment. No building or land clearing permits shall be issued until the revised Site Plan and other development plans depicting the changes required by these conditions have been approved by the Town.
21. The Project must be completed and the last certificate of occupancy issued for all four of the buildings, no later than two (2) years from the effective date of the Resolution of the Town Commission approving the Site Plan for the Project.